## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:14-CR-75-4H No. 5:16-CV-439-H

MARY SHANTA ELLIS,	)	
Petitioner,	)	
v.	) ) ORDEI	R
UNITED STATES OF AMERICA,	)	
Respondent.	)	

Pending before the court is Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. On June 28, 2017, an order was entered by Senior United States District Judge Malcolm J. Howard dismissing Petitioner's "safety valve" and "minor role" claims and referring Petitioner's remaining claim – that she was deprived of her right to appeal due to the ineffective assistance of her trial counsel ("IAC claim") – to the undersigned for an evidentiary hearing.

A hearing was held in this matter on September 12, 2017, at which Petitioner was present and represented by Cindy Popkin-Bradley and the government was represented by Assistant United States Attorney Donald Pender. At the hearing, Petitioner orally moved to withdraw her IAC claim. Following an inquiry with Petitioner and based upon the statements made by Petitioner and her attorney, the undersigned determined that Petitioner's motion to withdraw her IAC claim was made knowingly and voluntarily, after consultation with counsel and with full knowledge of the legal consequences of the withdrawal.

Accordingly, the court hereby GRANTS Petitioner's oral motion to withdraw her IAC claim and DIRECTS the clerk to enter judgment in accordance with Judge Howard's June 28, 2017, order dismissing Petitioner's other claims.

This 12th day of September 2017.

IMBERLY A. SWANK

United States Magistrate Judge